

SEDGWICK LLP
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Attorneys for Defendants
Hartford Life and Accident
Insurance Company s/h/a
The Hartford Benefit Management
Services and GDB Claims and
Services Operations

UNITED STATES DISTRICT COURT
DISTRICT COURT OF NEW JERSEY

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JAMES WRIGHT, Plaintiff, -against- THE HARTFORD BENEFIT MANAGEMENT SERVICES; GDB CLAIMS AND SERVICES OPERATIONS; ABC 1-10 (that being the names of the corporate entities, companies, partnership or individuals intended), Defendant.	Civil No.: 2:11-cv-00602 Hon. Stanley R. Chesler, U.S.D.J. Hon. Michael A. Shipp, U.S.M.J. ORDER

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THIS MATTER having been brought before the Court upon the application of Sedgwick LLP, attorneys for defendant Hartford Life and Accident Insurance Company s/h/a THE HARTFORD BENEFIT MANAGEMENT SERVICES and GDB CLAIMS AND SERVICES OPERATIONS (“Hartford”), in this action, and the Court having considered the papers as well as any opposition and reply, and for good cause shown;

IT IS on this _____ day of _____, 2012,

ORDERED THAT:

Defendant Hartford Life and Accident Insurance Company's s/h/a The Hartford Benefit Management Services and GDB Claims and Services Operations ("Hartford"), motion for summary judgment is granted in its entirety and the plaintiff's motion for summary judgment is denied in its entirety pursuant to Rule 56, FED. R. CIV. PROC.; and it is

FURTHER ORDERED that plaintiff's Complaint is dismissed with prejudice on the grounds that Hartford's decision to deny the plaintiff's claim for continuing long term disability plan benefits under the Employee Retirement and Income Security Act of 1974 ("ERISA") §502(a)(1)(B); 29 U.S.C. §1132(a)(1)(B), was not arbitrary and capricious; and it is

FURTHER ORDERED that plaintiff's state law claims are dismissed as a matter of law because they are completely preempted by ERISA; and it is

FURTHER ORDERED that plaintiff's claim for breach of fiduciary duty under ERISA §502(a)(3) is dismissed because ERISA §502(a)(1)(B) provides the exclusive remedy for claimants seeking to enforce rights to benefits under ERISA; and it is

FURTHER ORDERED that plaintiff will pay defendant's counsel attorney's fees and costs in the amount of \$_____ ; and it is

FURTHER ORDERED that a copy of this Order will be served on counsel for plaintiff within ____days of this Order

Hon. Stanley R. Chesler, U.S.D.J.

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UNITED STATES DISTRICT COURT
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JAMES WRIGHT, <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">-against-</p> <p>THE HARTFORD BENEFIT MANAGEMENT SERVICES; GDB CLAIMS AND SERVICES OPERATIONS; ABC 1-10 (that being the names of the corporate entities, companies, partnership or individuals intended),</p> <p style="text-align: right;">Defendants.</p>	Civil No.: 2:11-cv-00602 Hon. Stanley R. Chesler, U.S.D.J. Hon. Michael A. Shipp, U.S.M.J. <p style="text-align: center;">PROOF OF MAILING</p>
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1. I, Daniel M. Meier, am an associate with the law firm of Sedgwick LLP, attorneys for DEFENDANT HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY s/h/a THE HARTFORD BENEFIT MANAGEMENT SERVICES and GDB CLAIMS AND SERVICES OPERATIONS.

2. I hereby certify that I mailed a sealed package with postage pre-paid, via regular mail addressed to:

Kevin T. Kutyla, Esq.
 83 Spring Street
 Newton, NJ 07860
 (973) 940-8970
 Attorney for Plaintiff

3. This package contained copies of defendant's **PROPOSED ORDER** which was filed with the court via ECF.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: November 28, 2011

s/ Daniel M. Meier
Daniel M. Meier, Esq. (DM- 041942006)